

IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING
A JUDGE NO. 02-487

Supreme Court Case
No.: SC03-1171

**RESPONDENT'S MOTION FOR CONTINUANCE
OF FINAL EVIDENTIARY HEARING**

Respondent, the Honorable Gregory P. Holder ("Judge Holder"), by counsel, respectfully moves the Hearing Panel of the Florida Judicial Qualifications Commission ("the Panel"), to continue for a period of 90 days the final evidentiary hearing presently scheduled during the week of June 14, 2004. The grounds upon which this Motion is based are set forth below.

1. On July 16, 2003, the Florida Judicial Qualifications Commission ("JQC") filed formal charges against Judge Holder.

2. David B. Weinstein, of the law firm of Bales Weinstein, and Gregory W. Kehoe, of the law firm of James Hoyer Newcomer & Smiljanich, are trial counsel for Judge Holder in this proceeding. Accordingly, Mr. Weinstein and Mr. Kehoe have expended significant time and effort in the investigation, development, and analysis of the factual and legal issues in this matter in order to properly defend the charges brought by the JQC against Judge Holder.

3. Recently, Mr. Kehoe, at the request of the Bush Administration, has agreed to participate in the prosecution of Saddam Hussein. Mr. Kehoe's duties in

this prosecution necessitate his travel to Iraq beginning the week of May 17, 2004. Therefore, he will be unavailable for the final evidentiary hearing currently scheduled during the week of June 14, 2004.

4. While Mr. Weinstein and Mr. Kehoe have both worked on this case, they have divided responsibility for different witnesses and tasks and neither attorney has been significantly involved in his co-counsel's responsibilities. Under the circumstances, client and family commitments prevent Mr. Weinstein from being able to effectively assume the role of sole trial counsel this late in the proceedings, resulting in this request for a continuance.

5. However, Judge Holder and his counsel recognize the uncertainties inherent in Mr. Kehoe's involvement in the prosecution of Saddam Hussein and, therefore, will not request an additional continuance on this basis. Rather, a short continuance of 90 days is being requested to enable Mr. Kehoe to complete his anticipated assignment in Iraq or, alternatively, afford Judge Holder sufficient time to secure replacement co-counsel and allow them a sufficient opportunity to assimilate the legal and factual issues and otherwise become prepared for the final evidentiary hearing.

6. It would be highly prejudicial to Judge Holder -- especially considering the nature of the charges and potential impact upon his livelihood and reputation -- to deprive him of the right be fully represented by the counsel of his

choice in this proceeding. Moreover, the JQC will suffer no prejudice if the requested continuance is granted.

Wherefore, Judge Holder respectfully requests that the Panel grant a 90 day continuance of the final evidentiary hearing currently scheduled during the week of June 14, 2004.

Signatures appear on following page

Dated: May 17, 2004

Respectfully Submitted,

Honorable Gregory P. Holder
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Certificate of Service

I certify that on May 17, 2004, a copy of Respondent's Motion for Continuance of Final Evidentiary Hearing Scheduled During the Week of June 14, 2004, has been served by U.S. Mail to Ms. Brooke Kennerly, Hearing Panel Executive Director, 1110 Thomasville Road, Tallahassee, FL 32303; and by telecopier and U.S. Mail to: Honorable John P. Kuder, Chairman of the Hearing Panel, Judicial Building, 190 Governmental Center, Pensacola, FL 32501; John Beranek, Counsel to the Hearing Panel, Ausley & McMullen, P.O. Box 391, Tallahassee, Florida 32302; Charles P. Pillans, III, Esq., JQC Special Counsel, Bedell Ditmar DeVault Pillans & Coxe, P.A., The Bedell Building, 101 East Adams Street, Jacksonville, FL 333202; and, Thomas C. MacDonald, Jr., JQC General Counsel, 1904 Holly Lane, Tampa, FL 33629.

Attorney